

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Numbering Policies for Modern Communications	)	WC Docket No. 13-97
	)	
IP-Enabled Services	)	WC Docket No. 04-36
	)	
Telephone Number Requirements for IP-Enabled Service Providers	)	WC Docket No. 07-243
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Framework for Next Generation 911 Deployment	)	PS Docket No. 10-255

**REPLY COMMENTS**

**I. Introduction**

Onvoy Spectrum, LLC (“Onvoy Spectrum”) appreciates the unanimous support of commenters on the petition requesting the Commission waive certain of its rules imposing requirements on applicants for initial numbering services.<sup>1</sup> These comments and the instant filing demonstrate why granting the Petition is clearly in the public interest and otherwise meets the Commission’s standard for a waiver of its rules. Onvoy Spectrum uses this filing to further detail the substantial steps it is taking and will continue to take to closely cooperate with Public

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<sup>1</sup> *Wireline Bureau Seeks Comment on Onvoy Spectrum, LLC Petition for Waiver of Section 52.15(g)(2) of the Commission’s Rules Regarding Access to Numbering Resources*, DA 16-1442 (Dec. 22, 2016); *see also* Petition of Onvoy Spectrum, LLC for Waiver, WC Docket No. 13-97 et al. (filed Dec. 19, 2016) (hereinafter “Petition”).

Safety Answering Points (“PSAP”) and other State and local entities involved in delivering vital emergency services to the public.

## **II. Unanimous Support for the Petition**

In response to the Public Notice, the Commission received comments from the Association of Public Safety Communications Officials-International, Inc. (“APCO”), the National Emergency Number Association, Inc. (“NENA”), and a joint filing from the Texas 9-1-1 Alliance, the Texas Commission on State Emergency Communications, and the Municipal Emergency Communication Districts Association (collectively, the “Texas 9-1-1 Entities”). The commenters unanimously supported the Petition, demonstrating the substantial public interest benefits of Onvoy Spectrum’s solution.

APCO’s comments emphasized that Onvoy Spectrum’s solution “address[es] a number of important 9-1-1 related considerations,” and that it is therefore “in the public interest for the Commission to grant appropriate waiver relief” as requested in the Petition.<sup>2</sup> APCO also emphasized the importance of public understanding that CMRS-based voice calls are the “superior means for reaching 9-1-1,” and acknowledged Onvoy Spectrum’s express acknowledgement of this principle in the Petition.<sup>3</sup>

NENA’s comments supported the Petition based on its reading that the petition “does not seek a waiver of the authorization requirement contained in § 52.15(g)(2) of the Commission’s rules.”<sup>4</sup> Onvoy Spectrum shares NENA’s understanding. As noted in the Petition, Section 52.15(g)(2) imposes two separate requirements on applicants for initial numbering resources.

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<sup>2</sup> Comments of APCO International, WC Docket No. 13-97 et al., at 2 (filed Jan. 23, 2017) (hereinafter “APCO Comments”).

<sup>3</sup> *Id.* (citing Petition at 4).

<sup>4</sup> Comments of NENA, WC Docket No. 13-97 et al., at 1 (filed Jan. 23, 2017) (hereinafter “NENA Comments”).

First, an applicant must “include in its application evidence that the applicant is authorized to provide service in the area for which the numbering resources are required.”<sup>5</sup> As stated in the Petition, Onvoy Spectrum already satisfies this authorization requirement by virtue of its Commission license and State registrations, and therefore is *not* seeking a waiver of this requirement.<sup>6</sup> Second, Section 52.15(g)(2) requires evidence that “the applicant is or will be capable of providing service within sixty (60) days of the numbering resources activation date.”<sup>7</sup> As explained in the Petition, Neustar apparently has interpreted this provision to require the registration of a cellular tower in each jurisdiction where Onvoy Spectrum is requesting *p*-ANIs. Consequently, it is only with respect to this “capability” requirement of Section 52.15(g)(2) that Onvoy Spectrum seeks a waiver.<sup>8</sup>

The Texas 9-1-1 Entities also supported the Petition based on certain criteria that they acknowledge are already met (or in the process of being met) by Onvoy Spectrum.<sup>9</sup> The criteria suggested by the Texas 9-1-1 Entities are “(i) whether Onvoy as a *p*-ANI Applicant is an ‘Eligible User;’ (ii) whether Onvoy has provided self-certification of approval by the applicable 9-1-1 Authority in accordance with ATIS-0300089; and (iii) whether Onvoy commits to working cooperatively to deliver all 9-1-1 calls with the appropriate Class(es) of Service or appropriate p-

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<sup>5</sup> 47 C.F.R. § 52.15(g)(2).

<sup>6</sup> *See* Petition at 9–10.

<sup>7</sup> 47 C.F.R. § 52.15(g)(2).

<sup>8</sup> *See* Petition at 10–11. NENA states that Onvoy Spectrum seeks “a determination that [Neustar’s] criteria for determining whether an applicant is, in fact, authorized extend beyond the requirements of the rule.” NENA Comments at 1. The Petition does not take any particular position on Neustar’s *authorization* criteria, which Onvoy Spectrum already satisfies. Instead, the Petition seeks a waiver of the *capability* criteria in Section 52.15(g)(2), based on Neustar’s interpretation of those criteria to require Onvoy Spectrum to register a cellular tower in each jurisdiction where it is requesting *p*-ANIs.

<sup>9</sup> Initial Comments of Texas 9-1-1 Entities, PS Docket No. 10-255 et al., at 2–3, 6–7 (filed Jan. 23, 2017) (hereinafter “Texas Comments”).

ANI type as may be directed by the applicable 9-1-1 authority . . . .”<sup>10</sup> The Texas 9-1-1 Entities acknowledge that Onvoy Spectrum is already “fully committed” to meeting these criteria and should therefore “be able to immediately obtain” access to *p*-ANIs.<sup>11</sup>

### **III. The Petition Clearly Satisfies the Commission’s Waiver Standard**

As detailed in the Petition, Onvoy Spectrum satisfies each of the Commission’s criteria to waive its rules for good cause shown.<sup>12</sup> The circumstances of Onvoy Spectrum’s solution warrant a deviation from the general rule because Neustar’s interpretation of the capability requirement in Section 52.15(g)(2) to require registration of a tower in each jurisdiction prior to assigning *p*-ANIs to Onvoy Spectrum is inapposite in this context. Onvoy Spectrum’s solution does not rely on any connection to a cellular tower to provide location information to PSAPs, and a number of the benefits of Onvoy Spectrum’s solution are available precisely because it is not necessary to connect to a cellular tower in order to reach the 9-1-1 system.<sup>13</sup> Moreover,

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<sup>10</sup> *Id.* at 2. Onvoy Spectrum respectfully submits that the first two criteria proposed by the Texas 9-1-1 Entities are largely redundant to the criteria proposed in the Petition. *See* Petition at 12 (proposed criteria include a Commission CMRS license and registration in each State where it is required). The “Eligible User” requirement referenced by the Texas 9-1-1 Entities appears to refer to the definition of that term in the ATIS-030089 P-Ani Administration Guidelines, which also appears to be largely redundant to the criteria already proposed in the Petition. *See* Alliance for Telecommunications Industry Solutions, *ATIS-030089 P-Ani Administration Guidelines*, at 28 (June 24, 2016). An “Eligible User” under ATIS-030089 must (1) “demonstrate[] that it is permitted under applicable law to access p-ANI resources in the area for which the p-ANI resources are sought;” (2) receive approval from relevant 9-1-1 governing authorities to route 9-1-1 traffic to a PSAP; (3) have a valid Operating Company Number (“OCN”); (4) have a valid NENA Company Identifier; and (5) self-certify that it will “provide the technical and functional capability to route traffic or provide routing instructions to enable emergency call delivery to a PSAP.” *Id.* Onvoy Spectrum already satisfies each of these requirements.

<sup>11</sup> Texas Comments at 7.

<sup>12</sup> 47 C.F.R. § 1.3; *see also* Petition at 8–16.

<sup>13</sup> *See* Petition at 10–11.

Onvoy Spectrum has already exhausted alternative approaches to seeking a waiver, which are infeasible and wasteful both from a technical and financial perspective.<sup>14</sup>

In addition, as acknowledged by the unanimous support of the commenters on the Petition, grant of this waiver is clearly in the public interest. Onvoy Spectrum's solution allows the millions of Americans using devices that are not (or cannot be) connected to CMRS to reach vital 9-1-1 services from those devices. It does so in a manner that benefits all of the entities in the emergency services ecosystem with no accompanying downsides. For providers and app developers, Onvoy Spectrum's solution provides a simple interface that abstracts the complexity of connecting to PSAPs away from the providers and to Onvoy Spectrum, an experienced member of the emergency services ecosystem. For PSAPs, it similarly reduces the complexity of connecting to a wide variety of different providers and allows them to receive 9-1-1 calls virtually indistinguishable from normal Phase II wireless emergency calls with accurate location information from devices that are currently not able to reliably reach the PSAPs.

In their comments, both APCO and NENA acknowledged the strong public interest benefits to Onvoy Spectrum's solution. APCO stated that grant of the waiver is in the public interest because "there is presently no 9-1-1 solution for . . . OTT mobile applications," and that "Onvoy appears to be addressing a number of important 9-1-1-related considerations."<sup>15</sup> And NENA referenced the "tremendous potential for improvements in the quality of 9-1-1 service available to VoIP subscribers" through Onvoy Spectrum's approach.<sup>16</sup>

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<sup>14</sup> *Id.* at 11.

<sup>15</sup> APCO Comments at 2.

<sup>16</sup> NENA Comments at 1.

#### **IV. Onvoy Spectrum is Committed to Cooperating With Emergency Services Providers**

Commenters on the Petition noted the importance of testing Onvoy Spectrum’s solution in cooperation with local emergency services providers.<sup>17</sup> As noted in the Petition, “Onvoy Spectrum is working with emergency services authorities in [several] States, in addition to local PSAPs, to ensure that Onvoy Spectrum’s solution is tailored to meet local needs and provide robust, secure, and reliable 9-1-1 services for mobile devices that currently are not connected to 9-1-1.”<sup>18</sup> Onvoy Spectrum is “already engaged with PSAPs and the broader emergency services community,” and will continue that engagement and close cooperation with emergency services providers before, during, and after the roll-out of its solution in local jurisdictions.<sup>19</sup>

As the Texas 9-1-1 Entities acknowledged, Onvoy Spectrum is “fully committed to working cooperatively with the applicable 9-1-1 Authority to deliver all 9-1-1 calls . . . as directed by the applicable 9-1-1 Authority.”<sup>20</sup> Furthermore, Onvoy Spectrum’s testing and implementation protocol includes built-in cooperation with local PSAPs.<sup>21</sup> This includes custom-built testing and implementation parameters for each jurisdiction, ongoing live customer service to the 9-1-1 system in each jurisdiction, and a single point-of-contact for PSAPs for calls from any Onvoy Spectrum customer.<sup>22</sup> Finally, Onvoy Spectrum is committed to (and already has been) integrating feedback from PSAPs and other interested parties (such as APCO and

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<sup>17</sup> See APCO Comments at 3; Texas Comments at 6–7.

<sup>18</sup> Petition at 7–8.

<sup>19</sup> Petition at 14.

<sup>20</sup> Texas Comments at 7.

<sup>21</sup> Petition Ex. A, Declaration of Justin Nelson, ¶¶ 15–17.

<sup>22</sup> *Id.*

NENA) to ensure that Onvoy Spectrum's solution "meets the needs of each local jurisdiction and the broader 9-1-1 ecosystem to deliver stable, reliable, and accurate 9-1-1 call routing."<sup>23</sup>

## **V. Conclusion**

For the reasons stated herein, and in the Petition, Onvoy Spectrum respectfully requests that the Commission expeditiously grant the unanimously supported waiver of certain requirements of 47 C.F.R. § 52.15(g)(2) to enable Onvoy Spectrum's solution for non-voice devices to access the 9-1-1 system.

Respectfully submitted,

/s/ David J. Bender

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<sup>23</sup> *Id.* ¶ 17.